



PATENT  
514412-2025.1

*[Signature]*  
AF

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : M. DeBeuckeleer                          Corres. and Mail  
Serial No. : 09/758,987                          **ROX AF**  
Filed : January 11, 2001  
For : METHODS AND KITS FOR IDENTIFYING ELITE  
      EVENT GAT-ZM1 IN BIOLOGICAL SAMPLES  
Examiner : J. Souaya Sitton  
Group Art Unit : 1634

745 Fifth Avenue  
New York, New York 10151

**EXPEDITED PROCEDURE**  
**RESPONSE AFTER FINAL OFFICE ACTION**  
**UNDER 37 C.F.R. 1.116**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative



Signature

January 26, 2005

Date of Signature

**TERMINAL DISCLAIMER**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This filed with an Amendment After Final Office Action under 37 C.F.R. 1.116.

I, Marilyn Matthes Brogan, declare that I am an attorney of record and that I am authorized to execute terminal disclaimers on behalf of Aventis CropScience N.V. ("Aventis"), the assignee of the above-captioned application ("the present application") and of U.S. Patent No. 6,395,485 ("the '485 patent"), now Bayer CropScience GmbH ("Bayer");

02/01/2005 HDEMESS1 00000041 500320 09758987

01 FC:1814 130.00 DA

That Aventis is the assignee of the entire right, title and interest in, to and under the present application, U.S. application Serial No. 09/758,987, as a continuation of U.S. application Serial No. 09/481,049, filed on January 11, 2000, now U.S. Patent No. 6,395,485, by virtue of the assignment from the inventors to Aventis, recorded at the U.S. Patent and Trademark Office on May 9, 2000, and set out at Reel 010778 and Frame 0739;

That Aventis underwent a Change of Name to Bayer CropScience N.V. (copy of documents attached);

That Bayer has a place of business at Technologiepark 38, B-9052, Gent, Belgium;

That Bayer hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '485 patent;

That Bayer hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '485 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '485 patent, in the event that the '485 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that Aventis, is the assignee of the entire right, title and interest in the patent and patent application identified above (the '485 patent and the present application) by virtue of the assignment identified above, and that Aventis is now Bayer;

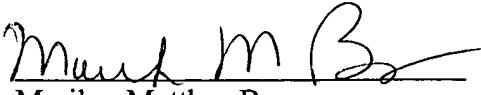
And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Entry and recordation of this Terminal Disclaimer are requested. Any fee can be charged to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,

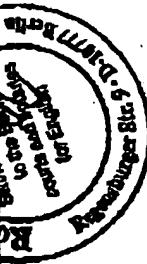
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
Marilyn Matthes Brogan  
Reg. No. 31,223

Anne-Marie C. Yvon, Ph.D.  
Reg. No. 52,390  
(212) 588-0800

[C] Ted Translation from the German Language

Amt Amtsgericht Frankfurt am Main			Certified photocopy			thousands	'hundreds	reas	HRB 49796	Page 1
entry	a) Company name b) Registered office c) Nature of the business	Capital stock or Nominal capital DM	Executive board General partners Managing directors Liquidator	Signatory power "Prokura"	Legal constitution			a) Day of entry and signature b) Notes		
1	a) Aventis CropScience GmbH b) Frankfurt am Main	3 DM 100.010.000	Peter Henkel, born 09 Sept. 1942, Berlin	Signature power held jointly with a manager or another authorized signatory: 1.) David Richter, born 09 March 1944, Berlin 2.) Dr. Elke Simon, born 06 Sept. 1961,	Company with limited liability. The agreement among shareholders was concluded on 16 February 1990. It has been amended several times, most recently on 30 December 1999.	6		a) 30 June 2000 [SIGNATURE] (Schiemann)		
1	c) The development, manufacture and sale of products for agricultural requirements, in particular pesticides, fertilizers, seeds, and of products for household protection. This also includes research in the above- stated areas, including biotechnical and genetic engineering research, and also plant breeding, landscape care and agricultural services.		3.) Stephan Gaertig, born 08 December 1942, Berlin; 4.) Jürgen Ullrich, born 24 September 1957, Berlin;	Signatory power held jointly with a managing director or another authorized signatory and authority to sell real estate:	Formerly local court Amtsgericht Berlin-Charlotten- burg		b) Agreement among shareholders p. 13 et seqq.			
2	Specific attention is drawn to the fact that the underlined parts of the entry in the following photocopy have been cancelled in conjunction with the notes of amendment and cancellation		5.) Dr. Günther Falcke, born 07 April 1940, Königstein	The manager Peter Henkel represents the company jointly with another managing director or jointly with an authorized signatory. As long as he is the sole managing director, he represents the company alone.	HRB 31850					
3				The correct name of the authorized signatory (1) David Richter is: 1.) David Richter			a) 11 July 2000 [SIGNATURE] Happel			
4				The correct date of birth of the authorized signatory 2) Dr. Elke Simon is: 09 June 1961.			b) Carried ex officio			
							a) 18 July 2000 [SIGNATURE] (Lohnes)			
							b) Carried ex officio			
							a) 6 December 2000 [SIGNATURE] (Lohnes)			
							Continued overleaf			



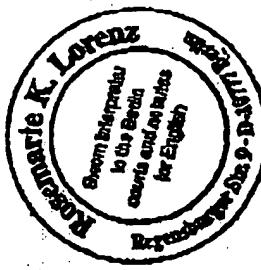
Collected Translation from the German Language

Local Court Amtsgericht Frankfurt am Main						Reverse of page 1	HIR B 49796	
a) Company name b) Registered office c) Name of the business -ary	Capital stock or Nominal capital DM	Executive board General partners Managing directors Liquidator	Signatory Power "Pro forma"	Legal constitution		a) Day of entry and signature b) Notes		
1 2	3	4	Dr. Volker Sjut, born on 18 July 1949, Berlin	6	Dr. Volker Sjut has been appointed as a managing director. He represents the company jointly with another managing director or jointly with an authorized signatory. Where he is the sole managing director, he represents the company alone.  Peter Henkel is no longer a managing director.	a) 31 July 2001 [SIGNATURE] (Hartmann)	7	
5	5					b) Connected ex officio.		
6			Amendment of personnel details: Previously: Dr. Volker Sjut, born on 18 July 1949, Berlin; Now: Dr. Volker Sjut, born 18 July 1949, Berlin				a) 6 December 2001 [SIGNATURE] (Bassner)	
7			The signatory powers [1.) David Siedler and 2.) Burkhard Seidix have expired.				a) 11 February 2002 [SIGNATURE] (Kaiser)	
8			EUR 235,651,100				b) Page 50 et seqq. Special volume	
9 a)	Bayer CropScience GmbH						a) 19 June 2002 [SIGNATURE] (Kaiser)	
							b) Page 71 et seqq. Special volume	
								It is certified that the entries hereunder correspond to the entries in the commercial register. Frankfurt am Main, 2 July 2002 [SIGNATURE] as registrar of the court registry

 **Certified Translation from the German Language**

**Certification**

I hereby certify that the translation on the preceding two pages to the best of my knowledge and belief is a true and complete translation from the German language of the document attached hereto.



  
\_\_\_\_\_  
Rossmarie K. Lorenz  
Certified Translator/Sworn Interpreter  
to the Berlin Courts and Notaries  
for the English Language

Berlin, 18 November 2002

## Högericht Frankfurt am Main

## Beglaubigte Abschriften

a) Firma b) Sitz c) Organstand des Unternehmens	Vorname fiktiv benötigte Geschäftsführer oder Ableiter	Grund- oder Stammzettel	Proben	Rechtsbehelfe
1) <b>Deutsche Crossglossen GmbH</b> 2) <b>Frankfurt am Main</b>	4	200.000.000 <u>EUR</u>	1. Peter Fischel, geb. 01.01.1942, Elle	1) 13.6.2009 Fischel ist ein Geschäftsführer oder einer anderen Rechtseinheit. Er ist naturlich, zuletzt am 30. Dezember 1999 qualifiziert. 2) Nachweis der Gesellschaftsverzeichnung von 30. Dezember 1999 ist der Sitz von Berlin nach Frankfurt als verlegt und der Gesellschaftsregister in Nr. 1 zu 3 (111) qualifiziert. 3) Der geschäftsführende Peter Fischel vertritt somit eine fiktive gesetzliche Rechtseinheit der genannten als 111 frankfurter.
3) <b>die Anwendung, Herstellung und der Vertrieb von Kreisplatten für den Bedarf der Landwirtschaft, Le- bensmittel, Fleisch-, und von Frü- schnäppchen für den Handelsbedarf.</b> Dazu gehört auch die Herstellung in den verschiedenen Bereichen einsch- ließlich der biotechnologischen und genetischen Pflanzenschutz, Land- wirtschaftliche und Dienstleistungen für die Gewerbebetriebe.	5	200.000.000 <u>EUR</u>	1.1. Alfred Richter, geb. 09.02.1961, Elle 2.1. Dr. Ulrich Giese, geb. 06.07.1951, Rechtsf. in Main 2.1. Stephan Stoebe geb. 01.11.1949, Elle 4.1. Jürgen Ullrich, geb. 24.05.1957, Berlin	1) Nachweis der Gesellschaftsverzeichnung von 30. Dezember 1999 ist der Sitz von Berlin nach Frankfurt als verlegt und der Gesellschaftsregister in Nr. 1 zu 3 (111) qualifiziert. 2) Nachweis der Gesellschaftsverzeichnung von 30. Dezember 1999 ist der Sitz von Berlin nach Frankfurt als verlegt und der Gesellschaftsregister in Nr. 1 zu 3 (111) qualifiziert.
4) <b>Wirtschaftsprüfungsgesellschaft für Betriebswirtschaft und Controlling</b>	6	200.000.000 <u>EUR</u>	1.1. Dr. Michael Reiter, geb. 07.01.1968, Elle 2) 13.7.2009 Reiter ist ein Geschäftsführer oder einer anderen Rechtseinheit und betreibt, erreichbar zu vereinbaren.	1) Nachweis der Gesellschaftsverzeichnung von 30. Dezember 1999 ist der Sitz von Berlin nach Frankfurt als verlegt und der Gesellschaftsregister in Nr. 1 zu 3 (111) qualifiziert.

Integriert Frankfurt am Main

49796 HR 8

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